

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**FILED - GR**

October 11, 2018 2:10 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mkc SCANNED BY: AKK / 10/11/18JASON CANTRELL #397429

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v. MICHIGAN DEPARTMENT OF CORRECTIONS
CORRECTIONS OFFICER A. HEINIG
CORRECTIONS OFFICER ARP

(Enter above the full name of the defendant or defendants in this action.)

1:18-cv-1163Gordon J Quist - U.S. District Judge
Phillip J Green - Magistrate Judge**COMPLAINT****I. Previous Lawsuits**

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes ☐ No ☒

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes ☐ No ☒

4. Is the appeal still pending? Yes ☐ No ☒

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒

If so, explain: _____

II. Place of Present ConfinementBELLAMY CREEK CORRECTIONAL FACILITY

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff JASON CANTRELL

Address 1727 W. BLUEWATER HWY; IONIA, MI 48846

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 MICHIGAN DEPT. OF CORRECTIONS

Position or Title DEPARTMENT OF CORRECTIONS

Place of Employment _____

Address P.O. BOX 30003; LANSING, MI 48909

Official and/or personal capacity? OFFICIAL (FOR DISCOVERY PURPOSES ONLY)

Name of Defendant #2 CORRECTIONS OFFICER A. HEILIG

Position or Title CORRECTIONS OFFICER

Place of Employment BENJAMIN CREEK CORRECTIONAL FACILITY

Address 1727 W. BLUEWATER HWY; IONIA, MI 48846

Official and/or personal capacity? PERSONAL

Name of Defendant #3 CORRECTIONS OFFICER ARP

Position or Title CORRECTIONS OFFICER

Place of Employment BENJAMIN CREEK CORRECTIONAL FACILITY

Address 1727 W. BLUEWATER HWY; IONIA, MI 48846

Official and/or personal capacity? PERSONAL

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

STATEMENT OF CLAIM

1. Plaintiff, Jason Contrell #397429 (hereinafter "Plaintiff"), avers that while assigned to the Specialized Housing Unit ("Protective Custody") ("Unit 2") at the Ionia Bellamy Creek Correctional Facility ("IBC") on August 19, 2017, he was subjected to the excessive use of force at the hands of two Corrections Officers ("C.O."), C.O. A. Heilig (hereinafter "Defendant Heilig") and C.O. Arp (hereinafter "Defendant Arp").

2. Plaintiff submits that on August 19, 2017, at around 7:15pm, he was in his assigned cell of 246-B on B-Upper Wing in Unit 2 when Defendant Heilig stopped and Plaintiff's cell door and instructed the Plaintiff and his assigned bunk to exit the cell for a cell search. Plaintiff exited his cell.

3. Defendant Heilig conducted a search of Plaintiff's assigned cell (246). Upon returning to his cell after the search, Plaintiff noticed that during the search Defendant Heilig had destroyed photographs of the Plaintiff's family members by ripping them up and scattering them across the cell floor. In addition, Plaintiff discovered that Defendant Heilig removed all of the Plaintiff's clothing from his wall locker and left them strewn across the cell floor as well as in the cell toilet.

4. Upset with the treatment of his personal property at the hands of Defendant Heilig, Plaintiff informed Defendant Heilig that he wished to speak to a sergeant or to shift command. In response to that request Defendant Heilig directed the Plaintiff to "go lock your punk ass down." Plaintiff complied.

5. At approximately 8:00pm on August 19, 2017, Plaintiff's cell door was opened for medication lines. Plaintiff exited his cell and headed towards the medication lines in an attempt to summon a sergeant. At that time Defendant Heilig again instructed Plaintiff to return to his cell, using profanity while doing so. Defendant Heilig also informed the Plaintiff to "keep it up and your going to get what's coming to you."

6. At that time Plaintiff returned to his assigned cell, but stood in the cell doorway such as to keep the cell door from closing. In response, Defendant Heilig called for assistance on his radio alleging that the Plaintiff was refusing to lockdown. After calling for assistance, Defendant Heilig placed Plaintiff in handcuffs.

7. In response to Defendant Heilig's call for assistance, among many other officers, Defendant Arp responded and immediately grabbed Plaintiff by one arm while Defendant Heilig had the other and began walking Plaintiff towards the stairs.

8. Plaintiff contends that while he was being escorted towards the stairs by Defendants Heilig and Arp, Defendant Heilig told the Plaintiff to "get ready, I have something special for your bitch ass."

9. As they reached the stairs, Defendant Heilig began shouting out "stop resisting" over and over approximately six times.

10. Plaintiff states that as they reached the bottom of the stairs and began to walk onto the base of the unit, and while Defendant Heilig continued to shout

"stop resisting," Defendant Arp intentionally stuck his foot out in front of the Plaintiff's to take the Plaintiff to the ground.

11. Immediately after being taken to the ground with several other officers already on top of him, Defendant Heilig jumped on top of the Plaintiff and began striking him about the left side of his body. As a result of the August 19, 2017 incident, Plaintiff sustained two fractured ribs. Plaintiff also sustained severe pain in his pelvis, left femur, left hip, his neck and both feet.

12. Plaintiff insists that at no time did he resist Defendants Heilig and/or Arp as both Defendants allege.

13. On August 19, 2017, Defendant Heilig issued Plaintiff a Misconduct Report charging Plaintiff with the Class I charge of Assault and Battery (Staff Victim), in which Defendant Heilig alleges that, "while escorting Prisoner Cantrell #397429 from 2-246B to Housing Unit 8 he pulled away at the top of the stairs causing me to lose my balance. Prisoner Cantrell continued to tense his body and resist our efforts to gain control. Prisoner Cantrell was placed on the ground, given orders to stop resisting. Prisoner Cantrell continued to resist. We gained control of Prisoner Cantrell and finished the escort to Housing Unit 8." See Misconduct Report of 8/19/2017, ATTACHED hereto.

14. As previously asserted at ¶ 12, at no time did Plaintiff resist or continue to resist the Defendants during the escort to Housing Unit 8.

15. At a subsequent hearing on the August 19, 2017 Misconduct Report that took place on August 23, 2019, Plaintiff was found not guilty of the charged violation. In support of that finding the Hearing Officer concluded the following:

"The video shows the reporter lose his footing, but it is not clear that prisoner at any time tenses up. Prisoner's explanation of the event, that he was just going with the motion, also is consistent with the video. Three other staff members were present, but their statements were not submitted to determine the veracity of the reporter or the prisoner. Without such statements of verification, I am not convinced that prisoner physically resisted or interfered with an employee. In addition, the Misconduct Report and the video do not indicate that prisoner's action was a non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another."

See Class I Misconduct Hearing Report of 8/23/2017, ATTACHED hereto.

RELIEF

Plaintiff requests compensatory and punitive damages in an amount deemed by the Court to be just and fair.

Most respectfully submitted,

Jason Cantrell

10/5/18

JASON CANTRELL #397429
Pro se Prisoner Litigant
Bellamy Creek Correctional Facility
1727 W. Bluewater Highway
Ionia, Michigan 48846

Dated:

VERIFICATION

I, JASON CANTRELL, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the facts and assertions contained in this complaint are correct and true to the best of my information, knowledge and belief.

Jason Cantrell

10/5/18

JASON CANTRELL
Pro se Prisoner Litigant

Dated:



JASON CANTRELL /397429
BELLAMY CREEK CORRECTIONAL FACILITY
1727 W. BLUEWATER HIGHWAY
IONIA, MICHIGAN
48846



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